

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED
AUG 03 2011

CLERK

UNITED STATES OF AMERICA,)	CR. 11-50040-JLV
)	
Plaintiff,)	
)	PRETRIAL RULINGS
vs.)	
)	
CHARLES BLUE BIRD,)	
a/k/a "Hokie,")	
)	
Defendant.)	

Consistent with the court's oral rulings made during today's pretrial conference in the above-captioned case, it is hereby

ORDERED:

1. Defendant's first motion *in limine* (Docket 34) is granted in part and denied in part as follows:
 - a. The court grants defendant's motion to exclude evidence regarding his criminal history in that the government cannot make reference to defendant's criminal history unless the defendant testifies and his prior felony conviction is offered for impeachment purposes and meets the requirements of Fed. R. Evid. 609. The government may only introduce evidence or elicit testimony regarding the fact and the date of the prior conviction, but cannot introduce evidence or elicit testimony regarding the nature of the prior conviction, unless the defendant opens the door. If the government intends to

introduce evidence or elicit testimony regarding the nature of the prior conviction, counsel shall notify the court outside the hearing of the jury.


- b. The court grants in part and denies in part defendant's motion to prohibit the government or any witness from making any reference or comment, whether direct or indirect, to any alleged sexual misconduct on the part of defendant. Traci Blue Legs may testify regarding alleged statements made by the defendant describing the incident alleged in the indictment. Ms. Blue Legs cannot testify that the defendant allegedly stated he "fucked the shit out of her and raped her in the ass."

- c. The court reserves ruling on defendant's motion to exclude evidence of other alleged break-ins by the defendant. Prior to eliciting testimony that is the subject of the motion, counsel shall notify the court outside the hearing of the jury.

2. The court grants the government's oral motion to exclude any inference, testimony, or evidence that the alleged victim and defendant may have had a child together.

Dated August 3rd, 2011.

BY THE COURT:


JEFFREY L. VIKEN
UNITED STATES DISTRICT JUDGE